

**FILED**

MAY 22 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
U.S. DISTRICT COURT  
CLARKSBURG, WV 26301**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Docket No. 1:05CR-00004-001**

**DANIEL TESTERMAN,**

**Defendant.**

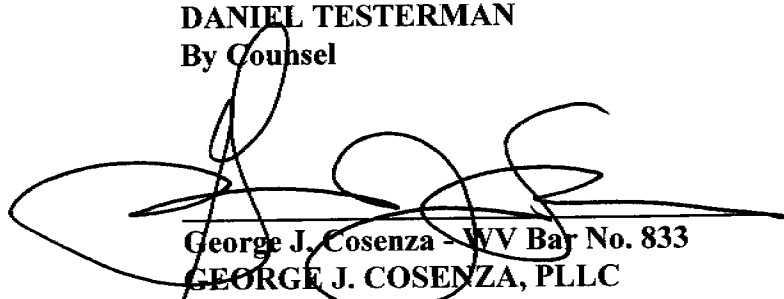
**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN** that the Defendant, **DANIEL TESTERMAN**, by and through his attorney, **GEORGE J. COSENZA**, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment of the United States District Court entered on May 15, 2005.

The Defendant respectfully requests that, pursuant to the provisions of the Criminal Justice Act, he be allowed to proceed in forma pauperis and that the undersigned be appointed to prosecute this appeal on his behalf.

Dated this 18 day of May, 2006.

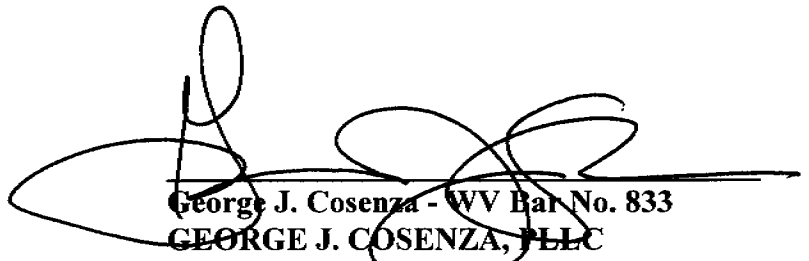
**DANIEL TESTERMAN  
By Counsel**



**George J. Cosenza - WV Bar No. 833  
GEORGE J. COSENZA, PLLC  
515 Market Street - P.O. Box 4  
Parkersburg, WV 26102  
(304) 485-0990  
Counsel for Defendant**

**Certificate of Service**

The undersigned counsel for Defendant, **DANIEL TESTERMAN**, hereby certifies that he served the foregoing **NOTICE OF APPEAL**, upon the Plaintiff, **UNITED STATES OF AMERICA**, by depositing a true copy thereof in the United States Mail, postage prepaid, addressed to: **Sherry Muncy, Assistant United States Attorney, 320 West Pike Street, Suite 300, Clarksburg, WV 26304**, on this 18 day of May, 2006.



George J. Cosenza - WV Bar No. 833  
GEORGE J. COSENZA, PLLC  
515 Market Street - P.O. Box 4  
Parkersburg, WV 26102  
(304) 485-0990  
Counsel for Defendant